

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, : 04-CR-140  
v. : U.S. Courthouse  
DANIEL ALONSO PEREZ, : Brooklyn, New York  
Defendant. : January 6, 2005  
: 3:00 o'clock p.m.

TRANSCRIPT OF CONFERENCE  
BEFORE THE HONORABLE FRÉDERIC BLOCK  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: ROSLYNN R. MAUSKOPF  
United States Attorney  
By: DANIEL ALONSO  
MONICA RYAN  
Assistant U.S. Attorney  
225 Cadman Plaza East  
Brooklyn, New York 11201

For the Defendant: ALLEN LASHLEY, ESQ.

Court Reporter: Anthony M. Mancuso  
225 Cadman Plaza East  
Brooklyn, New York 11201  
(718) 613-2419

Proceedings recorded by mechanical stenography, transcript  
produced by CAT.

1 (Case called; both sides ready.)

2 THE INTERPRETER: My name is Francisco Olivera.

3 THE CLERK: Previously sworn court interpreter.

4 MR. ALONSO: Daniel Alonso and Monica Ryan for the  
5 United States. Good afternoon.

6 THE COURT: Good afternoon. My apologies for  
7 keeping you waiting.

8 MR. LASHLEY: Allen Lashley for the defendant. Good  
9 afternoon.

10 THE COURT: I just got some last minute submissions  
11 on a sentence scheduled for 3:00 o'clock that I was reading.  
12 We try to accommodate counsel. When we get eleventh hour  
13 submissions sometimes it puts us in a situation where we have  
14 to read them and keep other people waiting and sometimes no  
15 good deed goes unpunished. So my apologies for that delay.

16 I have a letter here from the defendant Alonso and I  
17 am assuming that counsel for the government is not at all  
18 related to the defendant, if that's a fair assumption.

19 MR. ALONSO: If I may correct the record. We  
20 charged him as Daniel Perez Alonso. His last name is Perez.  
21 In Latin America the second last name is the mother's maiden  
22 name. It's Perez and not Alonso and for the record I am not  
23 related to him.

24 THE COURT: I have letter of December 20 from the  
25 defendant Perez, Mr. Lashley, complaining about your alleged

1 inattention to his needs. The way we process these matters is  
2 to give you an opportunity to explain yourself and speak on  
3 the record and Mr. Perez wants a new attorney to be assigned  
4 for him.

5 Specifically, he says that he's made numerous  
6 attempts and he's had great patience in trying to establish a  
7 rapport with you. It has become apparent that there's no  
8 interest in my legal representation and all communication  
9 between us has broken down and he no longer trusts you to  
10 represent him in his legal proceedings. He feels that your  
11 behavior is going to be detrimental to him and asks for new  
12 counsel.

13 It's not unusual for us to have to process  
14 situations where a defendant is unhappy with their assigned  
15 counsel. It's important that we do so and sometimes we do  
16 assign new counsel, but you have to speak to me and tell me  
17 what's going on, Mr. Lashley.

18 MR. LASHLEY: Judge, it comes as a surprise to me.  
19 I've met with this defendant on seven separate occasions for  
20 approximately seven hours and discussing the case time after  
21 time with the documents I've had to date.

22 I've also translated through the interpreter's  
23 office correspondence he sent to me in Spanish to read it and  
24 responded to in English and had my letters translated in  
25 Spanish and sent to him at the MDC. Several weeks ago I

1 received over three thousand documents of discovery, including  
2 numerous tapes and videos which I started reviewing and I'm  
3 almost finished.

4 In addition, we had a defense counsel meeting about  
5 ten days ago with Mr. Alonso and the two other attorneys who  
6 are in this case. I have done everything I could in this case  
7 for my client and I'm just surprised.

8 THE COURT: That's why we make a record here.  
9 You've documented the fact that you have met with him on  
10 several occasions.

11 MR. LASHLEY: Seven separate occasions.

12 THE COURT: At the MDC I assume.

13 MR. LASHLEY: Right down here in the marshal pens.

14 THE COURT: Was that over the last couple of months?

15 MR. LASHLEY: Over the entire case, yes.

16 THE COURT: You spent a considerable amount of time  
17 with him on those occasions?

18 MR. LASHLEY: Yes. An hour each time.

19 THE COURT: Mr. Perez, you have not said that in  
20 your letter to me. You lead me to believe that he doesn't  
21 talk to you and he's paying no attention to your case.

22 Do you wish to speak about just this issue? Nothing  
23 else.

24 THE DEFENDANT: I ask your Honor to please change  
25 my attorney.

1 THE COURT: You don't get a new attorney for the  
2 asking. Is it or is the not true as Mr. Lashley has just told  
3 the court that he has met with you on several occasions and he  
4 spent at least an hour with you on each of those occasions and  
5 he has done all this work he has told me he has done on your  
6 behalf.

7 Do you take any issue with his statements?

8 THE DEFENDANT: The thing is that he send me papers  
9 and correspondence that are not mine, that do not deal with  
10 me. And I think that the case is not like that. I already  
11 explained to him how it is. And he's not doing anything to  
12 help me out a little bit. So that's why I would like for  
13 there to be a change of attorney.

14 THE COURT: You know you're very fortunate in our  
15 country to have assigned counsel without any cost to you and  
16 we are very careful as a court in having a system where the  
17 counsel we assigned are screened and highly qualified. Now  
18 that you have heard Mr. Lashley explain to the court all of  
19 the many things he has done for you, you perhaps have a better  
20 understanding of the complexities of the charges against you  
21 and the degree of difficulty in properly representing you.

22 Mr. Lashley has done an excellent job so far, it  
23 appears to the court. You've said nothing that suggests to  
24 the court that new counsel is indicated. You don't get new  
25 counsel for the asking. There has to be a bases for it. You

1 have not really told me anything that's inconsistent  
2 essentially with what Mr. Lashley as an officer of the court  
3 has represented to me.

4 So you will continue with the good fortune of having  
5 an experienced counsel such as Mr. Lashley represent you.

6 What is the status of this matter?

7 MR. LASHLEY: It's on for trial, March 7.

8 THE COURT: March 7. Is there likely to be a  
9 disposition?

10 MR. ALONSO: Mr. Lashley came to see me and the  
11 trial team before the holidays to discuss whether there was a  
12 way to give the defendants a plea offer and so we are, in  
13 fact, engaged in plea negotiations. We're communicating that  
14 offer to Mr. Lashley today in writing and we're going to have  
15 a deadline of January 18. After that we'll know if we're  
16 going to trial for sure or if there will be a disposition.

17 THE COURT: I'm sure Mr. Lashley will carefully go  
18 over this plea agreement that is going to be proposed to you.

19 Anything else you wish to say, Mr. Perez?

20 THE DEFENDANT: The thing is that Mr. Lashley sent  
21 me two packages that were supposedly my discovery and all that  
22 has to do with my thing is this much.

23 THE COURT: Let Mr. Lashley explain to you why he  
24 sent all that material to you and this will be a good  
25 opportunity for you to understand that. Go ahead,

1 Mr. Lashley.

2 MR. LASHLEY: Because the discovery pertains to  
3 other defendants and it affects him at the trial, if we go to  
4 trial and also if he wants to take a plea. He has to have  
5 knowledge of all the discovery that the government provides  
6 us. So I gave him all the discovery instead of just limiting  
7 it to a few pages about him and I do that in every case.

8 THE COURT: You'll sit down and explain to him a  
9 little bit more about what you believe is important in that  
10 material what he should reflect upon in respect to the  
11 material that does not seem to directly implicate him. Okay.

12 MR. LASHLEY: Now with the 3,000 pages we just got  
13 several weeks ago, I will limit it to mostly to him.

14 THE COURT: So you have 3,000 pages you gave him.  
15 I can understand I guess that it's difficult for him to absorb  
16 the significance of 3,000 pages. When you speak to him next  
17 time be particularly careful about explaining to him why you  
18 sent him 3,000.

19 MR. LASHLEY: I sent him prior discovery. There is  
20 the new discovery that we got pursuant to the judge's order  
21 which was 3,000 pages, just several weeks ago. I have been  
22 running through that. There are tapes which were sent to the  
23 MDC and also videos which he has had a chance to review.

24 THE COURT: I want to sort out what you have given  
25 him.

1 MR. LASHLEY: The prior discovery.

2 THE COURT: Prior discovery?

3 MR. LASHLEY: Yes.

4 THE COURT: How many pages was that?

5 MR. LASHLEY: Maybe 50 to 100, judge.

6 THE COURT: Now, you're going to give him 3,000 more  
7 pages.

8 MR. LASHLEY: No. I'm going to give him only the  
9 pages that I feel are necessary for him to go over for trial.

10 THE COURT: You have not done that yet?

11 MR. LASHLEY: I have not finished reviewing it yet.

12 THE COURT: Explain very carefully why you are  
13 giving him this material, why you believe he should think  
14 about it and why it's relevant in terms of the totality of  
15 circumstances that he should be mindful of. You know what you  
16 have to do. Spend some special time, that seems to be the  
17 crux of his complaint. Now that we have fleshed it out in  
18 court I'm sure it's going to be attended to.

19 MR. LASHLEY: Thank you, your Honor.

20 THE COURT: Next matter.

21 0000000

22

23

24

25